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9 **Attorneys for Plaintiff**
10 **JOE HAND PROMOTIONS, INC.**

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 **JOE HAND PROMOTIONS, INC.,**

16 **Plaintiff,**

17 **vs.**

18 **SAN ANSELMO POST, No. 179, THE AMERICAN**
19 **LEGION, DEPARTMENT OF CALIFORNIA, ET**
20 **AL.,**

21 **Defendant.**

22 **CASE No. CV 10-5592-SBA**

23 **PLAINTIFF'S *EX-PARTE***
24 **APPLICATION FOR AN ORDER**
25 **EXTENDING TIME TO COMPLETE**
26 **SERVICE**

27 **TO THE HONORABLE SAUNDRA BROWN ARMSTRONG, THE PARTIES, AND**
28 **THEIR ATTORNEYS OF RECORD:**

As of this date, Plaintiff has been unable to successfully serve its initiating suit papers upon Defendant San Anselmo Post, No. 179, The American Legion, Department of California, an unknown business entity d/b/a Log Cabin Dugout Bar a/k/a The Dugout.

WHEREFORE, Plaintiff makes the following representations and recommendations:

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PLAINTIFF'S *EX-PARTE* APPLICATION FOR AN ORDER EXTENDING
TIME TO COMPLETE SERVICE

1 1. On December 9, 2010, Plaintiff's Complaint was filed against Defendant San Anselmo
2 Post, No. 179, The American Legion, Department of California.

3
4 2. Plaintiff has not yet perfected service of the initiating suit papers upon Defendant San
5 Anselmo Post, No. 179, The American Legion, Department of California, despite diligent efforts to do
6 so.

7 3. Specifically, as of this writing, Plaintiff's process server has made **nineteen (19)**
8 **separate attempts** to serve defendant San Anselmo Post, No. 179, The American Legion, Department
9 of California. These attempts have been unsuccessful however. (Please find a true and correct copy
10 of the process server's Status Reports attached hereto and made part hereof as Plaintiff's Exhibit 1).
11

12 4. Most frustrating is the fact that Plaintiff has been attempting to serve the Defendant
13 by and through its Registered Agent for service of process (Please see Plaintiff's Exhibit 2).
14

15 5. Notwithstanding the difficulties incurred to date regarding service, Plaintiff has
16 identified an address that it believes *will be* successful to serve its initiating suit papers upon this
17 particular defendant, and has notified its process server of same. Process server will be attempting
18 service at the new address immediately¹. Plaintiff and it's counsel believe service will be perfected
19 on or before Monday, May 16, 2011.

20 **WHEREFORE**, Plaintiff respectfully requests that the Court permit an additional thirty (30)
21 days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to
22 file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to
23 the defendant.
24

25
26
27
28 ¹ Due to the fact that Plaintiff has been unable to serve the Defendant by and through its Registered Agent Plaintiff
intends to effectuate substituted service upon the Defendant by serving the California Secretary of State's Office located
at 1500 11th Street, 3rd Floor, Room 390 in Sacramento (Please see Plaintiff's Exhibit 3).

Exhibit 1

THOMAS P. RILEY, LAW OFFICES OF
1114 FREMONT AVENUE
SOUTH PASADENA, CA 91030
ATTORNEY FOR (Name): PLAINTIFF LOG CABIN DUGOUT BAR AKA THE DUGOUT

Ref. No. or File No.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 GOLDEN GATE #1111
SAN FRANCISCO, CA 94102

PLAINTIFF/PETITIONER:

JOE HAND PROMOTIONS, INC

DEFENDANT/RESPONDENT:

SAN ANSELMO POST, NO. 179

*** STATUS REPORT ***

Attn:

HEARING DATE:

TIME:

DEPT/DIV:

CASE NUMBER:

CV10 5592 JCS

We received the within process in our Process Department on March 7, 2011. We have attempted to effect service on the following party at the address(es) indicated below:

Servee: SAN ANSELMO POST, NO.179, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA, AN UNKNOWN BUSINESS ENTITY DBA LOG CABIN DUGOUT BAR AKA THE DUGOUT

Residence: 15 JESSUP STREET, SAN RAFAEL, CA 94901

Business: Business address is unknown.

Our attempts at service include, but are not limited to, the following dates, times and status detail:

March 11, 2011	07:45 pm	NO ANSWER (RESIDENCE). NAME ON MAILBOX.
March 15, 2011	01:45 pm	NO ANSWER (RESIDENCE).
March 18, 2011	06:30 pm	NO ANSWER (RESIDENCE), NO ACTIVITY.
March 24, 2011	08:35 pm	NO ANSWER (RESIDENCE). LIGHTS ARE ON UPSTAIRS.
March 28, 2011	10:50 am	NO ANSWER (RESIDENCE).
March 29, 2011	05:30 pm	NO ANSWER (RESIDENCE), NO ACTIVITY.
April 3, 2011	02:16 pm	NO ANSWER (RESIDENCE), NO ACTIVITY.
April 8, 2011	05:20 pm	NO ANSWER (RESIDENCE) ADDRESS VERIFIED.
April 14, 2011	05:25 pm	NO ANSWER (RESIDENCE).
April 20, 2011	08:20 pm	NO ANSWER (RESIDENCE). LIGHTS ARE ON UPSTAIRS.
April 25, 2011	10:00 am	NO ANSWER (RESIDENCE). NO ANSWER AT NEIGHBORS.
April 30, 2011	11:30 am	NO ANSWER (RESIDENCE).
May 3, 2011	08:00 pm	NO ANSWER (RESIDENCE). LIGHTS ARE ON UPSTAIRS.
May 5, 2011	07:00 am	NO ANSWER (RESIDENCE).
May 6, 2011	07:30 pm	NO ANSWER (RESIDENCE). LIGHTS ARE ON UPSTAIRS.
May 7, 2011	08:00 am	NO ANSWER (RESIDENCE).
May 7, 2011	03:00 pm	NO ANSWER (RESIDENCE), HONKED HORN, BUT NO RESPONSE FROM INSIDE THE RESIDENCE.
May 8, 2011	10:30 am	NO ANSWER (RESIDENCE), HONKED HORN, BUT NO RESPONSE FROM INSIDE THE RESIDENCE.
May 8, 2011	07:55 pm	NO ANSWER (RESIDENCE). LIGHTS ARE ON UPSTAIRS.

Date: May 9, 2011

If you have any additional information that would help us facilitate this service, please write it on a copy of this report and return it to us on route or fax it to: (213) 481-7343. Thank you.

Absolute Service of Los Angeles

1301 West Second Street, Suite 208, Los Angeles, CA 90026 (213) 481-7334

*** SERVICE OF PROCESS STATUS REPORT ***

P22219-1/assatus

Exhibit 2



Secretary of State

[Administration](#)
[Elections](#)
[Business Programs](#)
[Political Reform](#)
[Archives](#)
[Registries](#)
Business Entities (BE)

Online Services

- [Business Search](#)
- [Disclosure Search](#)
- [E-File Statements](#)
- [Processing Times](#)

Main Page

Service Options

Name Availability

Forms, Samples & Fees

Annual/Biennial Statements

Filing Tips

Information Requests
 (certificates, copies &
 status reports)

Service of Process

FAQs

Contact Information

Resources

- [Business Resources](#)
- [Tax Information](#)
- [Starting A Business](#)
- [International Business Relations Program](#)

Customer Alert

 (misleading business
 solicitations)
Business Entity Detail

Data is updated weekly and is current as of Friday, May 06, 2011. It is not a complete or certified record of the entity.

Entity Name:	SAN ANSELMO POST, NO. 179, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA.
Entity Number:	C0155852
Date Filed:	10/18/1933
Status:	SUSPENDED
Jurisdiction:	CALIFORNIA
Entity Address:	P O BOX 125
Entity City, State, Zip:	SAN ANSELMO CA 94979-0125
Agent for Service of Process:	DAVID W PRICE
Agent Address:	15 JESSUP ST
Agent City, State, Zip:	SAN RAFAEL CA 94901

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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[New Search](#)
[Printer Friendly](#)
[Back to Search Results](#)
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Exhibit 3

Service of Process

Corporations, limited liability companies and limited partnerships are required by statute to designate an agent for service of process.

The **California Business Search** contains abstracts of certain information relating to corporations, limited liability companies and limited partnerships based on the most current filings that are of record in this office, including the name and address of the agent for service of process, if any.

However, serving the designated agent is not the only method of serving a particular business entity with process. The Code of Civil Procedure and Corporations Code provide multiple methods for direct service and for substituted service of process. Please refer to the following code sections for further information:

- California Code of Civil Procedure, section **415.30** (notice and acknowledgement by mail)
- California Code of Civil Procedure, sections **416.10-416.40** (multiple methods of serving designated agents for service of process, as well as other agents of entities upon whom service may be made)
- California Corporations Code, sections **1702, 2011, 2111, 6410, 6721, 8410, 8723, 9670, 12610, 12662, 15800, 15901.16, 15911.05, 16310, 16905, 16914, 16962, 17061, 17355, 17540.5 and 18220** (methods of direct and substituted service of process for business entities)
- Government Code section **12197** (substituted service of process fees)

Substituted service of process through the Secretary of State's office may be made upon a business entity if:

- Attempts at direct service of process have been unsuccessful;
- Attempts at direct service have been proven to the court to be reasonably diligent; and
- The court issues an order that service can be made upon the entity by hand delivering to the Secretary of State's office in Sacramento, as substituted service of process upon the entity, the following:

A copy of the process (generally the summons and complaint) to be served;
A copy of the court order permitting the service; and
The statutory \$50.00 fee.

Substituted service of process in this manner is not permitted by mail. The order, process to be served and \$50.00 fee must be hand delivered to our public counter in Sacramento office during regular business hours of 8:00 a.m. - 5:00 p.m., Monday through Friday (excluding holidays), at 1500 11th Street, 3rd Floor, Room 390.

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Respectfully submitted,

Date: May 9, 2011

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley, Esquire

Attorneys for Plaintiff

Joe Hand Promotions, Inc.

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**PLAINTIFF'S EX-PARTE APPLICATION FOR AN ORDER EXTENDING
TIME TO COMPLETE SERVICE**

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PROOF OF SERVICE (SERVICE BY MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, California. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On May 9, 2011, I served:

PLAINTIFF'S *EX-PARTE* APPLICATION FOR AN ORDER EXTENDING TIME TO COMPLETE SERVICE

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

San Anselmo Post, No. 179, The American Legion, Department of California (Defendant)
120 Veterans Place
San Anselmo, CA 94960

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on May 9, 2011, at South Pasadena, California.

Dated: May 9, 2011

/s/ Maria Baird
MARIA BAIRD